

THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.3338 OF 2011

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ORDER:

This petition is filed for a writ of *Mandamus* declaring the action of the 1st respondent in not releasing the approved layout to the lands owned by the petitioners in Sy.No.102/C, 102/B1 and 102/B2, situated at Mamnoor Village, Hanmakonda Mandal, Warangal District, to an extent of Ac.11.22 guntas by considering the application submitted by the petitioners through proper channel on 29.11.2010, as illegal and arbitrary and for a consequential direction to the 1st respondent to release the approved layout to the petitioners without insisting for production of NOC/conversion orders from RDO/Competent authority.

The case of the petitioners is that they are the absolute owners, pattedars and possessors of the lands in Sy.No.102/C, 102/B1 and 102/B2 to an extent of Ac.7.21 guntas, Ac.1.00 guntas and Ac.3.01 guntas, respectively situated at Mamnoor village, Hanmakonda Mandal, Warangal District and that they have made application through Grampanchayat, Mamnoor for grant of layout permission along with necessary application fee and other charges with copies of the title deed and also paid necessary fee and charges for grant of layout permission to the 1st respondent and the 1st respondent acknowledged the same. But, the 1st respondent without passing any orders on the petitioner's application orally directed the petitioners to produce NOC/Conversion orders for the subject land from the RDO/competent authority apart from other documents and fees. Though the petitioners requested several times for release of layout sanctioned plan to enable them to proceed with construction, the respondents did not do so. It is also stated that they are not required to produce NOC from the RDO as the subject land is already notified as non-agriculture purpose by the Government and that in similar set of facts this Court already granted interim direction in WP.MP.No.15495/2010 in WP.No.12281/2010 and that inspite of the same the respondents are not releasing the sanctioned plan of layout to the petitioners. Aggrieved by the

same, present writ petition is filed.

The 1st respondent filed counter affidavit stating that the petitioner has paid an amount of Rs.1 lakh along with the application without enclosing requisite documents. It is also stated that payment of development charges and application fee payable by the petitioners under Section 27 of the A.P.Urban Area (Development) Act, 1975, amounting to Rs.10,22,753/- and this respondent has already issued notice dated 27.01.2011 and 22.12.2014 to submit the required documents as per the rules. It is further stated that as per the orders from the Government vide Memo No.12900/E2/2007, dated 18.10.2007, this respondent's office also insisted to produce conversion certificate from agriculture to non agriculture purpose from the Revenue Divisional Officer, Warangal as envisaged under A.P.Agricultural Land (Conversion for non Agriculture Purpose) Act, 2006 and that petitioner has not paid developmental charges as envisaged under Section 27 of the Act, not submitted documents as per notice dated 22.12.2014 and also not produced No objection certificate from the Air Authority of India including the No Objection Certificate from the RDO, Warangal under NALA. It is stated that suppressing the aforesaid facts the petitioners filed the writ petition and hence prayed to dismiss the same.

Learned counsel for the petitioners submits that petitioners are ready to comply with all the conditions stipulated in the notice dated 22.12.2014 and also ready to pay the necessary fee as per the said notice. He further submits that since the Urban Land Ceiling Act is repealed, land Ceiling Clearance Certificate from RDO, is not required.

Heard learned counsel for the respondents who submits that if petitioner complies with the conditions stipulated in the notice dated 22.12.2014, the respondents will consider the application of the petitioner for grant of approved layout and release the same.

In the instant case the respondents have admitted that the petitioners made an application for grant of sanctioned lay out and issuance of notice dated 22.12.2014 by them for compliance of conditions 1 to 4 in the said notice. In the said notice the respondents directed the petitioners to pay an amount of Rs.10,22,753/-. The petitioners relied on the order passed by this Court in

WP.MP.No.15495/2010 in WP.No.12281/2010. But, the learned Standing Counsel Sri M.Ajay Kumar appearing for the 1st respondent states that a batch of writ petitions are dismissed upholding the Judgment rendered by the Division Bench of this Court in writ appeal wherein this Court upheld the levy and collection of developmental charges.

Since it is stated by the learned counsel for the petitioners that the petitioners are ready to comply with the conditions 1, 3 and 4 of the Notice dated 22.12.2014 and also ready to pay necessary fee as per the said notice, it is open for the petitioners to comply with the same. As and when the petitioners complies the conditions and pay necessary fee, the 1st respondent shall take necessary action for release of the approved lay out plan, within four weeks from the date of compliance by the petitioners.

Accordingly, the writ petition is disposed of. No order as to costs.

As a sequel thereto, Miscellaneous petitions, if any pending in the writ petition shall stand closed.

A.RAJASHEKER REDDY, J

30.10.2015

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